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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,369	02/10/2004	Alex Francisco Galia	07002.00012	9928
7590	09/29/2005		EXAMINER	
Steven Thrasher 391 Sandhill Dr. Richardson, TX 75080			CARIASO, ALAN B	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,369

Applicant(s)

GALIA, ALEX FRANCISCO

Examiner

Alan Cariaso

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 1-10 and 12-17 have been renumbered claims 1-16 (i.e. former claims 12-17 are now 11-16). However, former claims 12-16 (now claims 11-15) are dependent on high numbered claims 14 and 15, one being dependent to the same number (i.e. former claim 15 depends on itself), which is improper (see claim objection below, statement #4). The dependencies of now claims 11-16 need appropriate correction.

2. Claims 1, 3, 6 and 10-16 are objected to because of the following informalities:

3. Claims 1, 6 and 10, the term “lap” appears to be incorrect, given the context of the claim.

4. Claims 11-16 depend on high numbered claims, one being dependent to the same number, which is improper.

5. Claim 11, “a lamp” is incorrectly addressed and should be addressed as –the lamp—since it appears to be the same lamp recited in preceding claim 10.

6. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 10-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 10, line 4, "the support" has no antecedent basis.

10. Claims 11, 12 and 13 recite "the sixty-degree plane" and "the eighty-five degree plane" which are indefinite as lacking a reference relative to which these angled planes are formed.

11. Claim 15 recites "the luminary is coupled to the support at an angle above the horizontal plane" is indefinite as lacking support from the specification or figures, since it appears that the invention has the luminary coupled to the support at no angle above the horizontal plane.

12. Claims 15 and 16 are indefinite as depending on an indefinite claim or to itself.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 10-16 are rejected under 35 U.S.C. 102(b) as being anticipated by BRANDT (US 4,236,193).

15. BRANDT discloses an illumination assembly for illuminating a large outdoor playing field comprising: a support-receiving portion (26,25 or 22 in fig.2); a luminary (13) coupled to the support (16,17); the luminary (13-fig.6) comprising a lamp housing (13,23'-fig.6) that encloses a lamp (85,L), the lamp housing (13,23') having an open end (bottom opening adjacent ledge 65-fig.6), a lamp lens (71) mounted upon the open end (64,65) of the lamp housing (13,23'), a reflector (86) disposed between the lamp (85) and the lamp housing (13,23'), and a light-blocking shield (88) coupled about the open end (65) of the lamp housing; wherein each luminary (12,13) is coupled to the support (16,17) in a way that the illumination assembly achieves full cutoff (fig.6 shows no light emitted or directed beyond above the horizontal plane represented by 64,74), and therefore the luminary is considered to be a full cutoff luminary; wherein the luminary (13, fig.6) comprises a lamp (L) having a main candle power distribution or maintains a main beam intensity in about the sixty-degree plane (as best shown by representative light lines in fig.6); wherein the luminary (13, fig.6) does not emit light above the eighty-five degree plane (from fig.6, line tracing of direct line of light from the light source (L) bounded by the edge of frame (64) is measured to be not above 85 degrees); wherein the luminary (13) is coupled to the support (14), as best understood, at an angle (90 degree given its elevation about ground) above the horizontal plane; further comprising a second luminary (12, fig.3) coupled to the support (16,17) defining a plurality of luminaires (12,13).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over BRANDT (US 4,236,193) in view of ARMSTRONG (US 5,274,534).

18. BRANDT discloses a lighting system that illuminates a large outdoor playing field comprising: a playing field (col.1, lines 50-54); a plurality of illumination assemblies (fig.3) placed in predetermined locations (col.1, lines 50-54) of the field, each assembly comprising a support (16,17-fig.1) and a luminary (13) coupled to the support (16,17); each luminary (13-fig.6) comprising a lamp housing (13,23'-fig.6) that encloses a lamp (85,L), the lamp housing (13,23') having an open end (bottom opening adjacent ledge 65-fig.6), a lamp lens (71) mounted upon the open end (65), a reflector (86) disposed between the lamp (85) and the lamp housing (13,23'), and a light-blocking shield (88) coupled about the open end (65) of the lamp housing; wherein each luminary (12,13), given the structure met, achieves full cut-off, zero candela intensity at an angle of ninety degrees above nadir (as best illustrated in fig.6); and wherein each luminary (12,13) is coupled to a support (14) such that any one or all the plurality of illumination assemblies achieving full cut-off; wherein the outdoor playing field comprises at least a ball field (col.1, line 53); wherein the illumination assemblies comprise a plurality of luminaries

(12,13); wherein a first luminary (12-figs.1 & 3) is mounted behind a second luminary (13-figs. 1 & 3) as a single luminary assembly (figs.1-3).

19. BRANDT discloses applicant's invention except: the plurality of illumination assemblies placed about the playing field; a football field and soccer field as the outdoor playing fields; at least 40 feet height to which the luminary is mounted; placement of the lighting system about a periphery of the playing field; and method steps of removing all non full cut-out luminaries, registering with a local government, and canvassing a local community to show the installation.

20. ARMSTRONG teaches a plurality of illumination assemblies placed about the playing field (fig.6) for the purpose of substantially illuminating the area of the field within full cut-off range (fig.4). In further regard to the football and soccer fields, at least 40 feet height to which the luminary is mounted, and placement of the lighting system about a periphery of the playing field, ARMSTRONG teaches an illumination system of plural luminaries positioned at a periphery of the large outdoor playing field (fig.6), each luminary being mounted at least 40 feet in height (col.2, lines 29-32), and the playing fields used for at least soccer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the lighting system of BRANDT positioned at the periphery of the playing field and mounted at heights of at least 40 feet as taught by ARMSTRONG in order to illuminate outdoor playing fields such as soccer field and a field-equivalent of a football field at night.

21. In regards to method steps of removing all non full cut-out luminaries, registering with a local government, and canvassing a local community to show the installation,

ARMSTRONG does teach an improvement (reduced glare, reduce adverse illumination impact on the neighborhood) of using cut-off luminaires over a conventional outdoor lighting system which are non cut-off (cols.1 & 5) which are sought by spectators and neighborhood residents (col.1) over the problems of a conventional light system established in the playing field and and that it is a well known business practice to demonstrate aspects of a product which will produce a desired result upon installation. Therefore it would have been obvious to one having ordinary skill in the art at the time of applicant's invention that installation of the lighting system of BRANDT or ARMSTRONG would include removal of the conventional lighting system and canvassing the local community to show this improvement. It is also obvious to one having ordinary skill in the art at the time of applicant's invention to register with the local government since it is well known that most lighting systems installed in any community has a local government regulating any such construction requiring registration thereof. Otherwise, no registration would mean no installation of any public lighting system in a community that is government regulated.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. OSTEEN et al (US 4,866,582) show plural luminaries on a post support (12), including a light-blocking shield (28) about the open end (26) of the reflector-housing (24). ELMER (US 4,288,847) shows an outdoor post-supported luminary with an output beam within an acute angle plane (fig.5) and various output

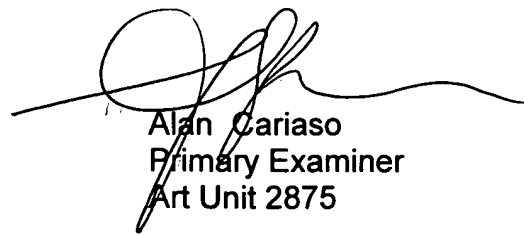
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angle beams not more the full cutoff (fig.6). LEMONS et al (US 5,313,379) show a sport lighting luminaire that appears supported at an angle above the horizontal (fig.2), including a shade (54) that directs light below the full-cutoff plane toward a sports field (fig.1). HOLMES et al (US 5,416,680) show a luminaire with plural light sources (figs.1-2) and light shields (47,52) that direct light within full cutoff (fig.4).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (571) 272-2366. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alan Cariaso
Primary Examiner
Art Unit 2875

September 27, 2005, AC